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CIVIL AND POLITICAL RIGHTS

Written statement* submitted by the International Federation for Human Rights (FIDH), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 January 2002]

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*/ This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ENG

Vietnam : Systematic Repression of Fundamental Freedoms and the Rights of Human Rights Defenders

The International Federation of Human Rights Leagues (FIDH), and the Vietnam Committee on Human Rights (FIDH affiliate) are deeply concerned by the widespread and continuing human rights violations in the Socialist Republic of Vietnam (SRV). Throughout the past year, violations of the rights of freedom of opinion, expression, religion, association and peaceful assembly have intensified, and political repression has been used on a widespread scale to suppress all forms of peaceful dissent.

These grave human rights abuses are not isolated incidents of local Police or official excess, but the results of a deliberate policy orchestrated at the highest levels of the Communist Party and the State. This policy is inconsistent with the International Covenant on Political and Civil Rights.

Fundamental freedoms are severely curtailed by a whole range of regulations, particularly by legislation under the catch-all notion of "national security". The SRV Criminal Code contains vaguely-defined and arbitrary offences such as "sowing division between religious believers and non-believers"... "undermining national solidarity" (Article 87), "circulating anti-socialist propaganda" (Article 88), "abusing democratic rights to encroach upon the interests of the State" (Article 258) ... The UN Working Group on Arbitrary Detention and the Special Rapporteur on Religious Intolerance both denounced the prejudice these articles bear on the exercise of fundamental freedoms ("Visit to Vietnam", 1995, Ref. E/CN.4/1995/31/Add.4 and "Visit to Vietnam", 1998, Ref. E/CN.4/1999/58/Add.2) because of their broadly definition which makes no distinction between the peaceful, legitimate exercise of fundamental freedoms and truly reprehensible offences.

Under Decree 31/CP on "Administrative Detention" (adopted on 14.4.1997), local Police have extra-judicial powers to arrest and detain anyone suspected of "threatening national security" for 6 – 24 months without a Court order. This text is routinely invoked to restrict fundamental freedoms.

Regarding the right of freedom of association, on October 17, 2001, Communist reformist Tran Khue was sentenced to two years "administrative detention" because he filed an application to form an independent anti-corruption association in September 2001 along with Pham Que Duong in response to an anti-corruption drive launched by the Communist Party. This request was filed at a time when corruption is crippling the whole country and provoking widespread peaceful protests. Throughout December 2001, for example, up to 600 peasants and farmers staged daily demonstrations to protest official corruption and land-confiscation outside the home of Communist Party Secretary Nong Duc Manh and in front of the National Assembly in Hanoi.

Despite this, Tran Khue's request was sanctioned by arrest and interrogation and continuous Police harassment against himself and fifteen other Communist reformists including former Lt.-General Tran Do, Colonel Pham Que Duong (military historian and former editor of the "Military History Review"), Hoang Minh Chinh (former Dean of the Hanoi Marxist-Leninist Institute), writer Hoang Tien, journalist Nguyen Vu Binh, geophysicist and political essayist Nguyen Thanh Giang and lawyer Lê Chi Quang. To explain these sanctions, the People's Army daily "Quan Doi Nhan Dan" published an article on October 22, 2001 criticising "politically and ideologically decadent and deteriorated Party cadres" and saying that their combat for democracy was "subversion". This newspaper is an official organ of the Vietnamese Communist Party and government.

Although freedom of the press is guaranteed in the SRV 1992 Constitution (Article 69), the press and media remain under the strict financial and political control of the Communist Party and State. Independent publications are prohibited. Former Lt.-General Tran Do and Buddhist monk Thich Quang Do filed applications to create independent journals in 1999, but both were refused.

Vietnamese journalists are forbidden to enter into even informal contact with foreign reporters without an authorisation from the Ministry of Culture and Information (Directive of 28 September 1997). A law passed in May 1999 commands journalists to pay compensation and/or publish retractions to persons damaged by their reports, even if their information is correct, thus obliging them to exercise self-censorship. In August 2001, new regulations that would more than triple the number of activities (from 200 to 650) defined as "offensive to Vietnamese culture" were proposed, including the possession of materials which "distort Vietnam's history or defame its national heroes".

Moreover, reporters, artists and intellectuals continue to be mobilised in government campaigns in support of the Marxist-Leninist revolution and all form of alternative expression is sanctioned. Explaining why Lt.-General Tran Do was expelled from the Communist Party, former Prime Minister Vo Van Kiet said : "Party members are not allowed to speak out on views that are not in line with Party policies". In June 2001, Security Police intercepted Tran Do in Saigon and subjected him to interrogation. They accused him of possessing "documents with subversive content" and confiscated the manuscript of his memoires containing his analysis of the Vietnamese Communist Party's Ninth Congress.

The 1992 SRV Constitution states that "All citizens shall enjoy freedom of belief and religion", but adds that "no-one can misuse beliefs and religions to contravene the law and State policies" (Article 70). Since the law and State policies are established and enforced by a one-party State which controls the executive, legislative and judiciary powers, this article imposes grave restrictions on the exercise of religious freedom. Acts of peaceful religious dissent are liable to be considered as "crimes against national security", punishable by harsh prison sentences, including life imprisonment or the death penalty. Moreover, independent religious organisations are banned and their members are routinely subjected to arrest, harassment, intimidation and administrative detention for engaging in "illegal" religious activities.

In 2001, whilst the government relaxed certain restrictions on freedom of worship, freedom of religion continued to be severely repressed. October 19th 2001, Roman Catholic priest Father Nguyen Van Ly was sentenced to 15 years in prison and 5 years probationary detention at a one-day unfair trial in the city of Hue on charges of "undermining national solidarity".

Several members of the Hoa Hao Buddhist sect were arrested and detained in 2001 for the peaceful exercise of their religious beliefs. On May 11th 2001, Truong Van Duc and Ho Van Truong were sentenced respectively to 12 and 4 years in prison. Ethnic Christians in the Northern and Central Highlands were banned from converting to Protestantism and many were arrested in February and March 2001 and subjected to beatings in prison for "illegally following religion". On September 26, 2001, 14 Montagnards were received sentences of 6 to 12 years in prison for "violating national security".

Buddhism, which is Vietnam's most widely practised religion, remained the major target of religious repression in 2001. Members of the Unified Buddhist Church of Vietnam (UBCV – the traditional, independent Buddhist organisation, banned since 1981) continued to confront the government on issues of religious freedom and human rights. The FIDH, on behalf of the Observatory for the Protection of Human Rights Defenders (a a joint FIDH/OMCT programme) and the Vietnam Committee are particularly concerned about the situation of two prominent Buddhist leaders, the Most Venerable Thich Huyen Quang, Patriarch of the UBCV and his Deputy, Nobel Peace Prize nominee Venerable Thich Quang Do, both of whom have spent over 20 years in prison or under house arrest for their outspoken advocacy of religious freedom, democracy and human rights.

In May-June 2001, a widespread crackdown was launched against UBCV members all over Central and Southern Vietnam. 115 UBCV Pagodas were surrounded and their phone lines were

cut. Monks and nuns were subjected to quasi-daily interrogations. This crack-down followed an appeal launched by Thich Quang Do for the return of UBCV Patriarch Thich Huyen Quang to Ho Chi Minh City to receive medical treatment for his high blood pressure, arthritis and stomach ulcers. 84-year-old Thich Huyen Quang was officially released from house arrest by Police order November 27, 1997, but he is still detained in the remote Central province of Quang Ngai. Thich Quang Do announced that he would personally travel to Quang Ngai to escort Thich Huyen Quang back to Ho Chi Minh City. 108 UBCV monks who attempted to travel with him were harassed, beaten and forcibly obstructed by Security agents and gangs of youths in connivance with the local Police.

On June 1st, 30 Security Police and local officials broke into the Thanh Minh Zen Monastery in Ho Chi Minh City and placed Thich Quang Do to two years "administrative detention" – a "reactivation" of a sentence for which he was amnestied in 1998. Thich Quang Do is currently detained incommunicado in his room. He is denied all contacts with the outside and not even allowed to visit the hospital to receive treatment for his diabetes, high blood pressure and stomach disorders. At the same time, government repression against the Buddhists reached such a pitch that a 61-year-old farmer, Ho Tan Anh, a leader of the lay "Buddhist Youth Movement" in Quang Nam province immolated himself in protest on September 2nd 2001.

Thich Quang Do's arrest came after he launched an "Appeal for Democracy in Vietnam" in February 2001 which received overwhelming support from the Vietnamese community and international personalities (over 300,000 signatures) and following his announced intent to make a humanitarian visit to UBCV Patriarch Thich Huyen Quang.

Furthermore, the FIDH and the Vietnam Committee recall that in August 2001, the Committee for the Elimination of Racial Discrimination (CERD) refused to comply with the affirmation in the periodical report submitted by Vietnam that racism and racial discrimination were non-existent in this country. The Committee demanded explications on population transfers to and from Montagnard lands (cases of ancestral lands confiscated by Vietnamese settlers), and further information on the forced sterilisation of women, religious persecution against Montagnards (ban on conversions to Protestantism, use of torture to force ethnic minorities to renounce religious beliefs, etc.) The organisations believe that an in situ visit is vitally needed to make a realistic appraisal of this situation.

In the light of these grave violations of the right to freedom of opinion, conscience, religion, expression and association, as well as the systematic repression of human rights defenders in Vietnam, the FIDH and the Vietnam Committee on Human Rights therefore call upon the Commission on Human Rights to strongly urge Vietnam to respond favourably to the repeated requests for an in situ visit by the Special Rapporteur on Freedom of Expression, and also to extend an invitation to the Special Representative on Human Rights Defenders to visit Vietnam.

Furthermore, the organisations observe that the Vietnamese authorities did not respect the mandate of the Special Rapporteur on Religious Intolerance during his visit to Vietnam in 1998, and have still not implemented the recommendations of his Report nor that of the UN Working Group on Arbitrary Detention, and have not acceded to their requests for follow-up visits. The organisations therefore call upon the Commission on Human Rights to urge Vietnam to sincerely comply with UN mechanisms by implementing the important recommendations mentioned above.
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